

CLOSED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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	:	Civil No. 05-5405 (KSH)
TRACY B. GURLEY,	:	
	:	
Plaintiff,	:	<b><u>ORDER</u></b>
	:	
v.	:	
	:	
NATIONAL WHOLESALE	:	
LIQUIDATOR WAREHOUSE, et al.,	:	
	:	
Defendants.	:	
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For the reasons expressed in the opinion filed herewith,

IT IS on this 30<sup>th</sup> day of August, 2007,

ORDERED that plaintiff's application to proceed in forma pauperis is hereby granted and the clerk shall file the complaint without prepayment of the filing fee; and it is further

ORDERED that the complaint is DISMISSED WITHOUT PREJUDICE to the filing of an amended complaint; and it is further

ORDERED that, if plaintiff files an amended complaint within 45 days of the date of the entry of this order, then the court will enter an order reopening the file and screening the amended complaint for dismissal; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the clerk shall forward a copy of this order by regular mail to the Attorney General of the State of New Jersey and the warden of Riverfront State Prison; and it is further

ORDERED that plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(1)(A), plaintiff is assessed an initial partial filing fee equal to 20% of the average monthly deposits to the plaintiff's prison account for the six month period immediately preceding the filing of the complaint; when funds exist, the New Jersey Department of Corrections shall deduct said initial fee from plaintiff's prison account and forward it to the Clerk; and it is finally

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee is paid, each subsequent month that the amount in plaintiff's prison account exceeds \$10.00, the New Jersey Department of Corrections shall assess, deduct from the Plaintiff's account, and forward to the clerk payments equal to 20% of the preceding month's income credited to plaintiff's prison account, with each payment referencing the docket number of this action; and it is finally

ORDERED that the clerk shall serve this order and the accompanying opinion upon plaintiff, and shall close the case.

/s/ Katharine S. Hayden  
**KATHARINE S. HAYDEN, U.S.D.J.**